

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

In re: PAMELA H. WIGGINS	:	Case No. 18-13607-BFK
	:	
DEBTOR.	:	
	:	
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RONALD APOSTOLAKIS,	:	
Executor of the Estate of Genevieve Apostolakis	:	
	:	
PLAINTIFF,	:	
	:	
v.	:	
	:	
DONALD F. KING, TRUSTEE	:	
	:	
DEFENDANT.	:	
	:	
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MOTION FOR RELIEF FROM THE AUTOMATIC STAY

COMES NOW, your Plaintiff, **RONALD APOSTOLAKIS**, Executor of the Estate of Genevieve Apostolakis by and through the undersigned counsel, and pursuant to 11 U.S.C. § 362,(a)(3) moves this Honorable Court for relief from the automatic stay and in support thereof states as follows:

1. On October 25, 2018, the Debtor filed for relief under Chapter 7 of the United States Bankruptcy Code.
2. Donald F. King was appointed the Chapter 7 Trustee.
3. On January 29, 2019, the Debtor received her discharge.
4. On May 23, 2019, the Trustee sent Request for Asset Notice.
5. Ronald Apostolakis, (“Ronald”) is brother of the Debtor.
6. Genevieve Apostolakis (“Genevieve”) is the mother of the Debtor and Ronald.

7. Genevieve having left this life on November 1, 2016.

8. Ronald was appointed the Executor of the Estate of Genevieve Apostolakis., on July 12, 2018, Broward County Probate Case No. PRC-18-1931.

9. At the time of her death, Genevieve was identified as the title holder of record for real property located at 963 SE 9th Avenue, Pompano Beach, Florida 33064.

10. The Trustee has asserted a potential claim to the real property.

11. Ronald filed an Adversary Proceeding against the Trustee to determine his interest in certain real property located at 963 SE 9th Avenue, Pompano Beach, Florida 33064.

12. The Court ruled that Pamela Wiggins, the debtor has a one-fifth interest in the real property and as such that interest is determined to be property of the bankruptcy estate.

13. The Probate Estate in Broward County has been opened since July 12, 2018 and needs to be closed.

14. The automatic stay under 11 U.S.C. 362 has essentially prevented the Estate been being probated and closed.

15. In abundance of caution, and with hopes to resolve these matters without petitioning several courts, the Florida Probate Counsel has not filed amended pleadings or petitions regarding the real property since learning of the bankruptcy proceedings, but is hesitant to act without approval of this court as Ronald's prior motion to lift the stay to determine the interest of the heirs was denied.

16. As a result of the Court's Ruling the administration of the Probate must be amended and the bankruptcy estate should be substituted for the Debtor and beneficiary Pamela Wiggins,

17. Ronald agrees that any notices required to be given to the beneficiaries would include furnishing a copy to the Chapter 7 Trustee Donald F. King on behalf of the Debtor.

18. The remaining assets and debts of the probate estate must be calculated, the appropriate accountings will be filed with the Probate Court, and then the funds will be disbursed. Again, the Trustee shall receive all notices to which the Debtor would have otherwise received.

19. There is no litigation anticipated at this time.

20. United States Bankruptcy Code § 362(d)(1-2) provides for the lifting of an automatic stay for cause, which has been established herein.

WHEREFORE, Ronald Apostolakis, Executor of the Estate of Genevieve Apostolakis and respectfully moves this Honorable Court for relief from the automatic stay pursuant to 11 U.S.C. § 362 to:

1. to permit the Executor and Probate Counsel to continue with the administration of the Probate Estate, and

2. to fully administer the Estate of Genevieve Apostolakis in the Florida Probate Court, and

3. prays for such other and further relief as this Honorable Court deems proper and just.

Dated: August 30, 2021,
Fairfax, Virginia

Respectfully submitted,
Ronald Apostolakis,
Executor of the Estate of Genevieve Apostolakis
By Counsel

MORAN LAW, P.L.C

By /s/ George LeRoy Moran

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CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of August, 2021, a true and accurate copy of the foregoing Motion for Relief from the Automatic Stay and Notice of Motion and Hearing was mailed and electronically transmitted to the following:

Karen Stride Lang, Esquire
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Counsel for Debtor

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/s/ George LeRoy Moran
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